THE PRIVILEDGES OF THE PEOPLE,

OR,

Principles of Common Right and Freedome, briefely laid open and asserted in two Chapters.

I. *Containing the distinct Interests of King, Parliament and People; consisting in Prerogative, Priviledge and Liberty (as they have formerly obtained in this Nation.)*

II. *Discovering the Peoples Right in Choice, Change, or Regulation of Governments or Governours: Together with the Originall of Kingly Power, and other Formes of Government.*

Propounded to the Consideration, and published for the benefit of the PEOPLE of *ENGLAND.*

By *Jo. Wair.*

Tacit.

Principatus & Libertas res olim dissociabiles.

LONDON,
Printed by *G. Dawson* for *Giles Calvert* at the signe of the black spread Eagle at the west end of *Pauls.* 1649.

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2. Discovering the Prefate Right in Choice, Change, & Regulation [illegible] Government, Yeggers [illegible] [illegible] Property of [illegible]

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CHAP. I.

Discovering the distinct Interests of King, Parliament, and People.

SECT. I.

Of Prerogative or Kingly Interest.

THe *Interest* of the *King* having advanced it self into a Principle of *Distinction*, *Seperation*, and *Superiority* above the *Interest* of the *People*, is called *Prerogative* or *Kingly greatnes*; which is a *Tuber* or *exuberance* growing out from the *stock* of the *Common wealth*, partly through the weaknes and indulgence of *People* to their *Kings* and *Rulers*, (which hath been most eminent in the English Nation) and partly through the *ambition* and *lust* of *Princes* themselves, who not considering their *greatnesse* as in a principle of *union* with the *People*, i. in a way of tendencie and subserviencie to the *Peoples* good, have heightned themselves beyond their due *bounds*, and framed a *distinct Interest* of their own, pretendedly *Supream*? To advance this *Interest*, Kings and Princes have *politiques*, and *Principles* of their own, and certain *State-maxims*, whereby they soare a loft, and walk in a distinct way of opposition to the *Rights* and *Freedomes* of the *People*; all which you may see in *Machiavils Prince*.

Hence it is that *Kings* have been always jealous of the people, and have held forth their own *Interest*, as a *Mystery* or *Riddle*, not to be pried into by ordinary understandings: And

the *Proselytes* of this corrupt and *tyrannous Interest* have alwayes served it up, as a *Sacred* thing, a thing as much *above* our *reach*, as it is truly and indeed *against* our *Freedomes*.

So that *Ignorance* being the *Mother* and *Nurse* of *Bondage*, such *Principles* have been watchfully observed, as have ushered in any *Light*, or discovery of the corruptnesse of the *Prerogative Interest*; hence is it that the *Expositions of Parens* upon *Rom.*13. were censured and condemned by the *Court Party*, as giving too much *Liberty* to *Subjects*, to resist their *Kings*: and the *Genevah* notes upon *Exod.*1. *v.*17. were disliked by *King James*, because they countenanced the *Midwives disobedience* to the *King*; not, but that the *thing commanded* was unlawfull, but it was interpreted to open too great a *gap* to the ruine of this *Interest*, of which wee now speak

And yet some have not been wanting, who in times of greatest hazard have adventured their own *Freedomes* as a *Sacrifice* to the *Publike*; and have made forth discoveries of the corruption & rottenes of this *oppressive Prerogative Interest*, upon conscientious grounds of *Publike Freedome*. Though this hath been censured by the *Potencie* of that *Interest* which it did oppose, as an *offence* no lesse then *piacular*; And their *Persons* loaded with calumnies of all sorts, as being a *faction* or *Party of Levellers*, as *King James* cals some in his *Star-chamber Speech*.

And though we may possibly suppose that the corruption of this *Interest*, may be in some measure discovered to those that use it, and that *Kings* themselves may suck in some *principles* of common Right and Freedome; some glimmerings whereof, seem to sparkle in the *writings of King James*, yet their *judgements* are so over clouded by their *Interests*, that they doe not onely blinde *themselves*, but *hoodwink others*, and all to establish *that*, which God himself purposes to destroy and overthrow.

For when *Principles* of *light* and *knowledge* shall be advanced amongst *men*, they shall then scorn to be subject to the corrupt Wils and Lusts of others: they shall know no *Policie*, but *integritie* and *honestie*; *False interests* shall tumble down

truth

truth and *righteousnesse* take place, and *Prerogative* be worried, as an Enemy to Freedome.

And if this were made out to *Princes themselves*, they would not onely *prophane* their own *mysteries*, and make them *common*, but sacrifice their *greatnesse* to the *light* of *Truth*, (which hath so often sacrificed *Truth* to *it self*) and study which way to advance the *Peoples Interest*, though in opposition to *their own*. And if this *self-denying spirit* were in them, and the *power* of *Truth*, the rough way of worldly *force* and *spoile* would be prevented, and the *work* rendered more easie to *themselves* and *others*.

SECT. II.

Of Priviledge, or Parliament Interest.

IF the voice of *Common Right or Freedome* could be heard amongst *Men*, the world would not be so deeply engaged in *factions*, and distinct *Parties*, as they are; but this is the misery, The *mindes* of men being prejudiced with corrupt *Interests* of one sort or other, and pertinaciously adhearing to them, doe contribute their utmost assistance to maintain them, partly through the inbred corruption within men, and partly through those provocations which (in the heat of contest) they meet with, from *Interests* which are at variance with their *own* (for even *truth* it self will justle its adversarie in a narrow passe) Hence it is that some are said to be for the *King*, some for the *Parliament*, some for the *Army*.

But is *Truth* divided? Is there not one common principle of *Freedome*, which (if discovered) would reconcile all; 'Tis true this Principle may be weakly and imperfectly managed by the *Children* thereof, but the miscarriage (whether reall or supposed) is not to be charged upon the *Principle* it self; And yet this is the practise of corrupt men, who take advantage from common frailties in the prosecution of *just* things, to cry down the things, *Themselves*, and so to strengthen their adhesion to their own *Interests*, though never so corrupt.

The purest civill *interest*, is the Peoples *Freedome*, which may

may be crushed by *Priviledge* as well as *Prerogative*; For Prerogative and Priviledge (in its usuall acceptation) are neer of kin; and it is possible for a *Societie* to exercise *Tyrannie* as well as a single *Person*. What hath been spoken of *Prerogative*, may be affirmed of *Priviledge*, the Impe thereof; for *Man* being naturally of an aspiring temper, manages all advantages to set up himself, and to this the *Peoples election* is a faire *temptation*, and though the gentlenesse of the phrase doth *word* the Parliament, To *serve* for their Country, yet tis sometimes in the same kinde of oratory, as the *Pope* is the servant of the *Church*, whilest he exerciseth rule and domination over it.

Priviledge hath formed it self into a distinct *Interest*, as well as *Prerogative*, and hath forgot its originall and *fire*, thinks it self compleat without superiot or equall: Thus hath it broke off it self, from its *stock*, and like a *succour* draws nourishment away from the true *branches*; so that, where Prerogative and Priviledge are in a thriving posture, the *Freedomes* of that *People* are underlings and leane as being crop'd on both sides.

When things doe continue in their proper *place* and order, they stand in God, and are usefull to those ends for which he hath appointed them; but when they warpe, they turn aside from God; and when they leave their station, and would be of themselves (as Lucifer) they fall down into Hell and a condition of darknesse; The way to advance *Priviledge* is to keep it within its due bounds.

Tis true, some things doe naturally ascend, but tis to their own place and Center, and when they are there, they are cloathed with *Majestie* and glory. Every thing is beautifull in its place and season: There is a beauty in *Priviledge* (thus considered) as well as in *Libertie*.

To ascend beyond due and measured bounds, is no way *honourable* but *monstrous*, as if the Feet should grow out of the Thighs, or the Hands upon top of the Head; this is a disorder and confusion, and thus Pride is the wombe of darknesse, which may be verified in *Priviledge* as well as *Prerogative*.

Tis true, Priviledge hath a stronger plea, as being founded upon

upon *Election* and *Conſent*, but this will not juſtifie the *Abuſe* thereof: for when *Priviledge* ſoares high, the *people* ſometimes follow it, either through ignorance of its *Nature* or bounds, or elſe that they may not loſe the benefit of that, which is truly ſo called, and is uſefull in its place. For as *Water* aſcends for the continuation of it ſelfe, ſo the intereſt between *Parliament* and people, muſt not bee diſcontinued. And yet this motion on the peoples part is *violent*, not *naturall*: for *Liberty* ſhould not aſcend to *Priviledge*, but *Priviledge* ſhould ſtoop downe to *Liberty*, as its *Center* and *Reſt*.

Priviledges may ſometimes mount ſo high, that *Liberty* cannot onely not follow, but is endangered by it. In this caſe *Priviledge* diſcontinues it ſelfe, and *Liberty* caſts off *homage* and ſubjection thereto, ſuch *Priviledge* is to be lop'd off as a burden to *Freedome*.

True priviledge of *Parliament* is this, in a principle of *Union* with the peoples *Right*, an *Immunity* and *Freedome* to mind juſt things, and to proſecute impartiall grounds of righteouſneſſe and *Truth*, other priviledges may be pared away, as bearing no proportion with their *End*, but this ſhall continue as ſubſervient unto *Freedome*.

SECT. 3.

Of Liberty, or the Peoples Intereſt.

IN every *Common-wealth* the *Intereſt* of the *People* is the *True* and *Proper Intereſt* of that *Common-wealth*; other *Intereſts* have advanced themſelves, pretendedly to exalt *This*, and yet being once gotten into the *Throne of Rule*, they labour nothing leſſe, or rather indeed they bend their utmoſt endeavour to overthrow *It*.

Prerogative and *Priviledge Intereſts*, (as formerly explained in their corrupt notions) are altogether inconſiſtent with *True Freedome*: Hence it is that there is an irreconcileable conteſt between *Them*, which will never ceaſe, till either *Prerogative* and *Priviledge* be ſwallowed up in *Freedome*,

or *Liberty* it ſelfe be led *captive* by *Prerogative*. He which hath the worſt *Cauſe* may ſometimes have the beſt *Succeſſe*, (for Time and Chance happens to all) and thus *Liberty* may be worſted by *Priviledge*, as having leſſe ſpecious advantages in the Fleſh. For true *Freedome* is in the *Mind*, and its *Proſelytes* are but few. Moſt men give up themſelves to the Idoll-Intereſts of *Prerogative and Priviledge*, as being more taking with fleſh and blood.

And when *Liberty* is once put to the rout, it is not eaſie to rally again, or to redeem it ſelfe; for the darkeſt Dungeon is its *Priſon*, 'tis chained with oathes and ſervile bonds, yea and the ſtrong bolts of humane *Lawes* doe keep it in ſubjection. Thus are all things made ſure, with a *Grave-ſtone*, a *Seale*, and a *Watch*, and oppreſſion rides in *triumph* upon the backes of the people.

All imaginary gaps for the re-entrance of *Freedome*, being thus ſtop'd up, it were impoſſible for it to ariſe from the dead, or to recover its *true* and proper ſtate, if God himſelfe did not appeare, and laugh the counſels of men to ſcorn, yea and open the Iron gates, and knock off the bolts, and lead forth *Freedome* to open view, as the *Angel* did *Peter*.

In this deſigne *God* co-operates with *Man*, and makes *him* inſtrumentall in the work, by clearing his principles, and ſtirring up his ſpirit. There are ſome ſparkes of *Freedome* in the mindes of moſt, which ordinarily lye deep, and are covered in the *Darke*, as a ſpark in the aſhes. This ſpark is the image of *God* in the mind, which is indeed the *Man*, (for the divine Image makes the *Man*.) This *Man* is hid in moſt perſons, onely the *Tyrant*, the *Beaſt*, or the ſlaviſh principle appeares, and the whole bulk is hurried about by the *motion* of that principle, and the *Man* within us ſwimmes with the ſtream.

But *God* favours all *weak* things, and hath a ſpeciall regard to *tender ones*, when under darkneſſe and oppreſſion. And in order hereunto he layes the Axe to the root of the *Tree*, and ſtrengthens our weake principle, he layes the foundation of *Freedome* within us, and ſo proceeds to blow up the fire, till the *roome* be too hot for unrighteouſneſſe and wrong.

Thus *Tyranny* being driven out of the *Spirit*, or *Mind* (its

ſureſt hold, its Metropolis, or Citie of Refuge) 'tis hunted too and fro like a beaſt of *prey*. Neither is this a rare thing, but according to the uſuall proceedings of God in the World, who *ſpoyles the Spoyler*, and puniſhes oppreſſion in *Methodes* of its owne, that *Men* may ſee and admire his Greatneſſe and Power.

Be *wiſe* now therefore, O yee *Kings*, be inſtructed O yee *Judges* of the earth. Moſt of your deſignes are founded upon *Selfe*, and are againſt the *Lord* you eſtabliſh *your ſelves* and your own *greatneſſe*; your hands are againſt every one, and every ones hands againſt you, you have led *Liberty* captive. 'Tis the voyce of God to you, *Let my oppreſſed goe free*. Some of you have allowed a *Mock freedom* to *Liberty*, your priſoner, when you could keep it cloſe no longer, you have ſent it abroad, but with *priſon garments*, ſome badges of *Slavery* have remained upon it; no portion of *Freedome* hath been wrung from you, but through *exigence* or *neceſſity*. Thus have you demeaned your ſelves, as if the *people* had been made for *you*, not *you* for the people. For theſe things doth God ariſe, and the day of your *viſitation* is come.

For why? 'Tis not poſſible for a people to be too free. True *Liberty* hath a cleare light *Principle* or *Rule*, and a large compaſſe, a ſpacious walk, 'tis not limited or circumſcribed, but by the bounds of righteouſneſſe. *Liberty* is the daughter of *Truth* and *Righteouſneſſe*, and hath *Light* within it, as the Sun, other lights are borrowed from it. *Tyranny* is as a *Clog*, or an *Eclipſe* to *Freedome*. God ſees good that *Liberty* ſhould recover but by degrees, that ſo the world may be ballanced with light and knowledge, according to the advance thereof, and be more conſiderate in her *actings*. The deeper the *Foundation*, the ſurer the *Work*. *Liberty* in its full appearance would darken the eye newly recovered from blindneſſe, the principles thereof are infuſed to us by degrees, that our heads may be *ſtrengthened* (not overturned) by its *Influence*.

CHAP. II.

Of the Peoples Right in the Choyce, Change, or Regulation of Government, together with the originall of Kingly Power, and other Formes of Government.

ALL *Governments* being *fundamentally* (as to Man) ſeated in the *People*, which *Maxime* is ſufficiently ſpoken to of late. The inhabitants of ſeverall *Countries*, for the equall diſtribution of *Juſtice* to the whole, have voluntarily ſubmitted to ſeverall *Adminiſtrations* and *Formes* of *Government*, either under *one* or *many* Rulers: ſo that *Election*, or *Conſent* (ſetting aſide Titles by *Conqueſt*) are the proper ſource and *Fountain* of all *Juſt Governments*. Hence it is that the power of *Rulers* is but *Miniſteriall*, and in order to the peoples good, which hath given occaſion to that known Maxime, *That the ſafty of the people is the ſupream Law.*

From hence wee may ſee the *Reaſon*, why ſome Governments are *more* or *leſſe Free*, *viz.* according to the prudence or neglect of *Auncеſtors* in bargaining with the *Princes*, and ſetting limits to their *Power*. Some have (as it were) given up themſelves to the Wils of their *Princes*, and out of confidence of their integritie have left them to themſelves, not conſidering, that juſt men are liable to temptations, when they are in place and power; which if it were poſſible for them to avoid, yet Juſtice is not *hereditary*, nor goes by diſcent. Some *Nations* having been pinched with this inconvenience, have afterwards ſet Bounds and Lawes to their *Rulers*, according as *Tully* doth excellently deſcribe it. Lib. 2. de offic. *Eadem conſtituendarum legum fuit cauſa, quæ Regum, Jus enim ſemper quæſitum eſt æquabile, neque aliter eſſet Jus, id ſi ab uno juſto*

justo & bono viro consequebantur; eo erant contenti, cum id minus contingeret, Leges sunt inventæ, quæ cum omnibus temper una & eadem voce loquerentur.

Englished thus,

There is the same reason for Laws, as there was for Kings, for People have alwayes sought after Right, or an equall distribution of things, which if they did obtain from one just and good man, they were content therewith; but when they failed thereof, Laws were found out, which spake one and the same thing to all men.

Those *Nations* which have been most strict in prescribing such *Rules*, are most *Free*, unlesse in processe of time, through the oscitancie of the people, *Princes* have trampled upon their bounds, and made them common; and in this case, as good none at all, as not observed.

Though then Governments have been diversifyed according to the different tempers and apprehensions of their *Founders*, the *People*; yet the *Rise* of them all, is *One* and the same: So that what *Tully* affirmes of the originall of *Monarchy*, or *Kingly Government*, may be said of all the rest, his words are these, lib. 2. de Offic. Apud majores nostros fruendæ justitiæ causa videntur olim bene morati Reges constituti: nam cum premerentur olim multitudo ab iis qui majores opes habebant, ad unum aliquem confugiebant virtutem præstantem, qui cum prohiberet injuria tenuiores æquitate constituenda, summos cum infimis pari jure retinebat. The effect of which in English is this, *Our Ancestors first appointed Kings for the administration of justice: For when the multitude was oppressed by great and mighty men, they presently addressed themselves to some one eminent and vertuous man, who defended the poore from wrong, and kept both poor and rich within the bounds of Equity.* An instance of this kinde wee have in *Herod: Clio*, where the *Medes* revolting from the *Assyrians*, chose one *Deioces* for their King, a man of supposed strictnesse and *Equity* in preventing disorders and abuses amongst

mongſt them. But this remedy in time proved as bad as the diſeaſe, ſo that people were enforced to ſeek protection under *ſeverall* Rulers, which they miſſed under *One*. Hence it came to paſſe that the *Romans* baniſhed their *King* and his *Government* together, and ſubmitted themſelves to another *Forme*.

But at firſt they which ſubject themſelves to the government of *One*, may by the ſame reaſon ſubmit to *many*, which is Ariſtocracie, or may alter their government from one *Form* to another: For they that *chooſe* may *change*, provided it bee upon juſt and valuable grounds. Famous was the diſpute had before *Octavius Caeſar* by two of his *Favourites* and *Councellors*, about *continuance* or *change* of *Monarchy*, of which you may read in *Dion. lib.* 52. The ſtory is this, When *Octavius Caeſar* had by the Armes and ſucceſſes of his predeceſſors and his own, reduced the world to *peace*, and made a compleat conqueſt of the great known part thereof, hee tooke counſell with *Agrippa* and *Mocœnas*, two of his intimate friends, whether he ſhould maintaine the *Empire* and *Monarchy* in his own hands, or reſigne it to the Senate and people of *Rome*; *Agrippa* makes an eloquent Oration *againſt Monarchy*, perſwading him to ſurrender up the *Government* into the *hands* of the *Senate*. On the other ſide, *Mecœnas* perſwades the contrary, and pleads for *Monarchy*, whoſe counſell was followed by *Caeſar*, yet ſo, as that *Agrippa* was ſtill honorably entertained and reſpected by him. From which Story we may obſerve two things.

1. That *Anti-monarchicalnes* is no crime at all, but a difference in judgement about an *Externall Forme* of *Civill* government: Yea *great Stateſmen* (ſuch as *Agrippa*) have given in their judgements freely *againſt Monarchical government*, as *Agrippa* here did.

2. That to perſwade and endeavour the alteration of *Governments* from one *form* to another, hath been the ſubject of the diſcourſe and action of *wiſemen*, as we ſee here in *Agrippa*.

And though there may be a beauty in *Monarchy*, (duely circumſcribed) as well as in other forms of Government, yet ſuch

caſes,

caſes may ſometimes fall out, when Reaſon and Judgement may not onely call for, but enforce a *change*; A provocation it muſt be of grand and fundamentall importance, which if it cannot be otherwiſe or not ſo conveniently redreſſed, may undergoe this kinde of *cure*; which in caſes of extremity hath been practiſed by *Nations*.

Smaller inconveniencies may be redreſſed without the *abolition* of a *form*, *viz.* by preſcribing limits to thoſe *Rulers*, who have abuſed their *Power*, which under pain of guilt they may not exceed; For the whole body of the *People* is above their *Ruler*, whether one or more.

Not to ſpend much time herein, I ſhal conclude this with the argument of the *Biſhop of Burgen* in the *Councel of Baſil* (which was in the reign of our *Henry* the 6th) where diſputing againſt the authority of the *Pope* above Councels, he urgeth this argument; that as *Kingdoms* are and ought to be above *Kings*, ſo is a *Councel* above a *Pope*. So that former ages have had ſome light, as touching the Office and duty of a chiefe *Ruler* or *King* and would have been able to deſcry the flattery of thoſe, who aſcribe ſo much *Majeſtie* and Sacredneſſe either to *Man*, or *Men*.

For are not *Rulers* themſelves under a *Law*? are they not accountable for what they do? Are they not ſubject to frailties like other men? Are we not all derived from one common *Stock*? Is not every man born *free*? when wee aſcribe ſo much to *Man*, wee detract from the praiſe and glory of God.

True *Majeſty* is in the ſpirit and conſiſts in the Divine *Image* of *God* in the *minde*, which the Princes of the World comming ſhort off, have ſupplyed its defect with outward badges of *Fleſhly honour*; which are but *Empty ſhews* and *carnall appearances*, when void of the *ſubſtance*.

But as weake as they are, they have dazled our eyes, through the darkneſſe which is in us, when we our ſelves ſhall be raiſed up to an inward *glory*, we ſhall then be able to judge of that *Majeſty* and *Glory*, which reſts upon another.

FINIS.

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